

AP7 Rec'd 10/10/03 30 MAR 2006

FORM PTO-1390

ATTORNEY DOCKET NUMBER  
CEPF-0006

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371U.S. APPLICATION NO. (if known see 37 CFR 1.5)  
10/539,918INTERNATIONAL APPLICATION NO.  
PCT/FR2003/003799INTERNATIONAL FILING DATE  
18 December 2003 (18.12.2003)PRIORITY DATE CLAIMED  
20 December 2002 (20.12.2002)TITLE OF INVENTION PROCESS FOR THE PREPARATION OF AND CRYSTALLINE FORMS OF OPTICAL  
ENANTIOMERS OF MODAFINIL

APPLICANT(S) FOR DO/EO/US Olivier NECKEBROCK, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9), and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) 35 U.S.C. 371(c)(4).
10. ☐ An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.182-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - communication;
  - return postcard.

EV482612263US

EXPRESS MAIL Mailing Label No. EV 482612263 US  
Date of Deposit: February 7, 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid IMB control number.

U.S. APPLICATION NO. (if known 37 C.F.R. 1.5) <b>10/539,918</b>		INTERNATIONAL APPLICATION NO. <b>PCT/FR2003/003799</b>		ATTORNEY DOCKET NUMBER <b>CEPF-0006</b>	
The following fees are submitted:					
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))		<b>\$300</b>		\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	
If written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		<b>\$0.00</b>		\$	
All other situations		<b>\$200</b>			
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		<b>\$0</b>			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		<b>\$100</b>		\$	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB		<b>\$400</b>			
All other situations		<b>\$500</b>			
<b>TOTAL of 21, 22 and 23 =</b>				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50=		X \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				<b>\$130.00</b>	
Claims	Number Filed	Number Extra	Rate		
Total claims	- 20 =		X \$50	\$	
Independent Claims	- 3 =		X \$200	\$	
Multiple dependent claims(s) (if applicable)			+ \$360	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$130.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				<b>\$130.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
<b>TOTAL NATIONAL FEE =</b>				<b>\$130.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +					
<b>TOTAL FEES ENCLOSED =</b>				<b>\$130.00</b>	
				Amount to be: refunded	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid IMB control number.

- a. ☒ A check in the amount of \$130.00 to cover the above fee is enclosed.
- b. ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-3050. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**Suzanne E. Miller**  
Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
(215) 568-3100

  
SIGNATURE

S. Maurice Valla  
NAME

43,966  
REGISTRATION NUMBER

**DOCKET NO.: CEPF-0006**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re patent application of:** Olivier Neckebroek, et al.

**U.S. Serial No.:** 10/539,918

**International Application No.:** PCT/FR03/03799

**International Filing Date:** 20 December 2002

**For:** PROCESS FOR THE PREPARATION OF AND CRYSTALLINE FORMS OF  
OPTICAL ENANTIOMERS OF MODAFINIL

**EXPRESS MAIL LABEL NO:** EV 482612144 US  
**DATE OF DEPOSIT:** March 30 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EV482612144US**


Sir:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

In response to the "Notification of Missing Requirements", dated March 2, 2006, applicant submits herewith, a copy of such notice. The required item, namely, the executed Declaration/Power of Attorney and appropriate surcharge were previously submitted on February 7, 2006. A copy of the previously filed executed Declaration/Power of Attorney is enclosed.

Respectfully submitted,

Date: March 30, 2006

  
S. Maurice Valla  
Registration No. 43,966

WOODCOCK WASHBURN LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100



## UNITED STATES PATENT AND TRADEMARK OFFICE

5em/dpc/smv  
 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/539,918	Gerald Coquerel	CEPF-0006

23377  
 WOODCOCK WASHBURN LLP  
 ONE LIBERTY PLACE, 46TH FLOOR  
 1650 MARKET STREET  
 PHILADELPHIA, PA 19103

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DOCKET DEPT  
WWWKMN

INTERNATIONAL APPLICATION NO.	
PCT/FR03/03799	
I.A. FILING DATE	PRIORITY DATE
12/18/2003	12/20/2002

CONFIRMATION NO. 8401

371 FORMALITIES LETTER



\*OC000000018163820\*

Date Mailed: 03/02/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/16/2005
- English Translation of the IA filed on 06/16/2005
- Copy of the International Search Report filed on 06/16/2005
- Preliminary Amendments filed on 09/13/2005
- Oath or Declaration filed on 06/16/2005
- Request for Immediate Examination filed on 06/16/2005
- U.S. Basic National Fees filed on 06/16/2005
- Priority Documents filed on 06/16/2005

RECEIVED

MAR 1 3 2006

Woodcock Washburn

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,918	PCT/FR03/03799	CEPF-0006

FORM PCT/DO/EO/905 (371 Formalities Notice)